

Radiological Health Program

RADON BULLETIN

Re-issued December 1, 2004

Guidance for Citizens with Complaints Against a Radon Professional

This guidance replaces guidance issued on April 15, 2001. The 2003 session of the General Assembly revised the Code of Virginia to insert a new paragraph B in § 32.1-229.01. Companies listed as proficient to perform radon screening, testing or mitigation; compliance:

Radon professionals listed as proficient pursuant to subsection A shall comply with the radon mitigation and testing standards outlined in the Environmental Protection Agency's publication, EPA 402-R-93-078, as revised, or the American Society for Testing and Materials (ASTM International) Standard, E-2121-02, or any other radon testing and mitigation standards accepted by the Environmental Protection Agency and the Board.

In general, state law requires radon professionals to be certified by either the National Environmental Health Association (NEHA), or the National Radon Safety Board (NRSB). The Virginia Department of Health (VDH) is responsible for ensuring that all radon professionals in Virginia are properly certified, and will actively pursue enforcement actions against those who are not. Until July 1, 2003, VDH was not responsible for reviewing the quality of the work performed by the radon professionals, or ensuring that they adhere to EPA protocol or other accepted practices. Since the legislation did not include additional resources to conduct an inspection program, VDH interprets the intent of the legislation was to give VDH authority to inspect the work of radon professionals only when consumers, or other radon professionals have complaints.

VDH intends to conduct inspections of a radon professional's work only when there is a written complaint that provides adequate information that the work was inconsistent with an acceptable standard, and the agency has access to citizens' homes so that a successful evaluation of a radon professional's work may be performed and compared to existing standards.

Consumers are also advised that the certifying organization may consider de-listing an individual based on complaints from consumers. The consumer is advised to contact the organization that certified the radon professional. Contact information follows:

NEHA NRPP Administrative Staff
525 East Fountain Boulevard, Suite 201
Colorado Springs, CO 80903

National Radon Safety Board
PO Box 741093
Arvada, CO 80006-1093

Phone: 800/269-4174
Fax: 719/632-9607
E-Mail: radonprog@aol.com
Web site: www.NEHA.ORG

Phone: (303) 423-2674
Fax: (303) 403-1074
Email: info@NRSB.org
Web site: www.NRSB.ORG

A radon professional who misrepresents his qualifications, is in violation of State Law Section 32.1-229.01:1, and the consumer may bring an action to recover the greater of (i) actual damages sustained, together with costs and reasonable attorneys' fees, or (ii) \$100.

A radon professional who has installed a radon mitigation system may also be a licensed contractor. The Board of Contractors regulates contractors and they may levy sanctions. Contact information follows:

Department of Professional and Occupational Regulation
Board For Contractors
3600 West Broad Street
Richmond, VA 23230-4917
Phone: (804) 367-8500
Web site: www.state.va.us/dpor

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